is unreasonable and invalid. Minneapolis Sash, etc., Co. *v.* Metropolitan Bank (Minn.), 44 L. R. A. 504. See, also, Merchants Nat. Bank *v.* Goodman, 109 Pa. St. 422, 58 Am. Rep. 728.

It was, however, held in Kershaw *v.* Ladd, 34 Ore. 375, 44 L. R. A. 236, that a custom of banks to send a check direct to the drawee bank for collection and return is not unreasonable, at least as applied to the collection of a plain unendorsed check. The court said:

"A custom which obtains so generally and universally among men of the highest order of business sagacity appeals strongly to the understanding for recognition, and, unless demonstrated to be clearly and palpably unreasonable and unjust, it ought to be adopted as the law of the case. It is true, the admittedly prevailing custom or usage exists and applies as well to certified checks, certificates of deposits, and notes payable at the banks; but we are here dealing with a simple, unindorsed check, and are only called upon at this time to sanction the custom or usage in so far as it may be potent as affecting the present exigencies. However there is authority for the sanction of it to the full extent prevailing, as denoted by the agreement of the parties here. Farmers' Bank & T. Co. *v.* Newland, 97 Ky. 464; Jefferson County Sav. Bank *v.* Commercial Nat. Bank, 98 Tenn. 337. Usages are presumed to be reasonable, and in considering them the courts do not so much determine whether they are supported by satisfactory grounds as whether they are necessarily unreasonable. The party attacking the usage or custom has, therefore, the burden of the controversy, as the question to be decided in a particular case is not whether the usage is reasonable, but whether it is unreasonable. 27 Am. & Eng. Enc. Law, p. 766. Citing and attempting to distinguish cases contra."

But is must be remembered that much of the law of banking, as well as of commercial paper, has grown out of custom. See Allen *v.* Merchants' Bank, 22 Wend. 215, 34 Am. Dec. 289; Bell *v.* Hagerstown Bank, 7 Gill 227; Commercial Bank of Ky. *v.* Varnum, 49 N. Y. 269; Munn *v.* Burch, 25 Ill. 35. In Century Bank *v.* Davis, 19 Pick. 373, it is said that all who transact business at a bank must be presumed to conform to its modes of doing business, so far as they are known to them.

But a custom must be uniform, certain, and sufficiently notorious. Citizens' Bank of Balt. *v.* Grafflin, 35 Md. 507, 1 Am. Rep. 66. It is in this respect that the custom alleged in the principal case was held deficient also.

The custom of a bank may be proved to interpret, though not to establish a contract. Harper *v.* Calhoun, 7 How. (Miss.), 203.

In line with the principal case are Springfield *v.* Vivian, 63 Mich. 681, where it is held that a local custom cannot change the law of negotiable instruments, unless the paper is local; Baltimore, etc., Bank *v.* Toliver, 72 Md. 164, where it is held that custom can not change the local character and the power of attorney so as to make registered Virginia consuls negotiable, when accompanied by power of attorney.

Oiling up the Wheels of Justice.—A deaf ear can no longer be turned to the great cry which has long emanated from the public denouncing the law's delay and reversals because of technicalities. Courts are forced to give heed to this strong demand, and the maxim is finding more and more support, "Justice delayed is justice denied." Reversals, because of trifling technicalities in procedure, process, etc.,

affect not alone the parties litigant, but the public who believe in speedy justice, and especially the taxpayers of the state who foot the bills for criminal prosecutions. To give a criminal a fair trial is mandatory and righteous. The taxpayer knows the great expense of this also, but does not complain. It is where he is forced to repeat payment of the same bill because of some trifling, harmless error, which could in no manner have affected the result, and where the prisoner's guilt has been clearly shown, that the shoe pinches, and Mr. Taxpayer objects, and, it may be added, that his objection is generally overruled. However, courts are adjusting themselves to meet this objection fairly. The Criminal Court of Appeals of Oklahoma, even though Oklahoma as a state is yet in her infancy, has taken the lead. An example is found in the recent case of Gonzalus *v.* State, 123 Pacific Reporter, 705. The court says: "The habit of reversing cases upon light and trivial grounds is to be reprehended from every standpoint. While it is true that a price should never be placed upon the administration of justice, and no man who has been unjustly convicted should ever be denied a rehearing simply upon the ground of the expense of a second trial, yet this court will take judicial notice of the fact that the people of this state are already heavily burdened with taxation, and that one of the principal items of expense to the state is the enforcement of its criminal laws. It would therefore be unjust to the people of this state to add to this expense by reversing convictions and sending cases back for retrial, and thereby greatly increasing the expenses of the government, unless a necessity for doing so really existed."

Coasting Is Not a Nuisance.—Does coasting on a bobsled constitute a public nuisance so as to preclude recovery in case of an injury to the person so enjoying himself? A case answering this question is Lynch *v.* Public Service Corporation, 83 Atlantic Reporter, 382. The plaintiff, a girl of 13 years, was riding down a city hill with a number of other persons. The defendant is a street car company, running cars on a street which intersects the street on which the coasting was taking place. On plaintiff's third trip down the hill the accident occurred by the bobsled coming into collision with one of defendant's cars. Plaintiff was injured, and seeks damages. The trial resulted in a nonsuit, the court holding that the coasting was a nuisance and an improper use of the highway. On appeal to the Court of Errors and Appeals of New Jersey this holding is reversed, the court saying: "We cannot concede that coasting upon a public street is an illegal act, so as to constitute it a public nuisance. Public highways are intended for pleasure uses as well as business uses; and it is difficult to see why a sled coasting down hill should be said to be a public nuisance any more than a sleigh drawn by horses going down the same highway. * * * 'As the sport is healthful and exhilarating, it seems sufficiently proper, if